



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

### Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

### About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

984h

C877

5

UC-NRLF



QB 273 858

YB 12707

GIFT OF

*Edward Jones Cox*



EX LIBRIS

984R  
C877  
5

Some  
Motes in America's Eye



UNIV. OF  
CALIFORNIA

UNIVERSITY  
OF CALIFORNIA

# SOME MOTES IN AMERICA'S EYE

BY  
EDWARD JONES COX



Published by  
J. F. ROWNY PRESS  
Los Angeles, Cal.  
1919

*Gift* Copyright, 1919  
by  
**EDWARD JONES COX**  
Newtonville, Mass.

TO VIND  
AMERICAN

AFFECTIONATELY INSCRIBED TO MY BROTHERS,  
CHARLES M. COX, OF MELROSE, MASSACHUSETTS,  
AND  
JOHN W. COX, OF CORONADO, CALIFORNIA,  
BY THE AUTHOR,  
EDWARD JONES COX





## Introductory

It may be that the author, a retired Boston teacher, gets the temerity to criticize the Constitution from the fact that, in the old days of the Dedham, Mass., High School, the civil government taught there consisted in committing the Constitution to memory, amendments and all.

While some are proposing much more radical changes than are to be found suggested here, we all wish to attain the same object, namely, to remove the barnacles from the Ship of State. The President, whom we have come to feel is our most direct representative, needs to be relieved of certain restraints; Congress needs to be restrained from extravagance, and unwisdom, and to be composed of a much higher class of men than of late years; and the courts need to be made instrumentalities of justice and equity, instead of so much precedent, technicality and injunction, and declaring laws to be unconstitutional. As one author says, "You attribute too much penetration to our judiciary. You imagine that official decoration increases human sagacity and sharpens the perception. It is quite the other way. Badges of office have the effect of inflating egotism to such a degree that judgment is corrupted." The problem of making the courts places where nothing but even-handed justice is dispensed, needs to be taken up with extreme seriousness, and the too long-suffering patience of the American people with things they know to be wrong, needs to give way to a determination to have things right.

We are living in an interesting time. The other nations of the world seem to have set America up on a pedestal of appreciation, for our part in the Great War, and it is a proud moment in the life of our country, which has so few things in its history to be ashamed of. And

## SOME NOTES IN AMERICA'S EYE

now, through the influence of President Wilson, has come about the formation of the League of Nations. This "carries the frontier of American Democracy overseas. We must now fight against ignorance and disease, poverty and injustice, greed and tyranny, all over the world, a task calling for pioneers and crusaders, and the whole army of American citizenship." All nations seem to look to us for help, and the great, sympathetic republic responds willingly, with glad heart and full hands, as fast as possible.

But, at such a time, when we are in the limelight of approval, it is plainly our duty to deserve this by eradicating any faults of our own. Let us undertake this in the real American spirit.

### THE AMERICAN SPIRIT

When America goes forth to battle,  
    'Tis because she's forced to right some wrong.  
When her cannon roar and muskets rattle,  
    'Tis because some tyrant's reigned too long.  
She can't bear to see oppression crushing  
    Worthy manhood, wheresoever found,  
To the rescue all her power goes rushing,  
    Till all shackled peoples are unbound.

Bounteous Nature gave us such resources  
    We must use them for the good of all.  
Through our veins the strength of freedom courses,  
    We must answer ev'ry suff'rer's call.  
With Old Glory proudly floating o'er us,  
    North and South and East and West unite,  
Marching, singing, in determined chorus  
    We will help men striving for the right.

## SOME MOTES IN AMERICA'S EYE

When republics, land by land, have taken  
All the Earth for popular control,  
And all monarchs from their thrones are shaken,  
No more shall we hear the war-drums roll,  
Land of Freedom! Ring from ev'ry steeple,  
World-wide suffrage then can prove its worth,  
Gov'rnmnt of, and by, and for the people  
Shall not, cannot, perish from the Earth.

—E. J. C.

---

Changes and additions suggested are printed in italics.

If there should be any call for this pamphlet, a second edition would contain the full wording of those parts marked *Unchanged*. Few people have in their homes a copy of the constitution, under which our government works. And few Americans know that some of the constitutions which have been adopted since ours was, are decided improvements upon our own. Let us not lag behind Australia, New Zealand, Mexico, and others, in this matter.

After reading, kindly write me your opinion of it, and then present it to some library.



## Preface

"When, in the course of human events, it becomes" evident that the time-honored CONSTITUTION OF THE UNITED STATES OF AMERICA has become in some ways an obstacle in the path of the Nation's progress, it behooves any progressive patriot citizen to see what suggestions he can make for its improvement. So many things have been done, similar to the decision of the Supreme Court that the law providing that child labor of sixty hours a week should be forbidden, was unconstitutional, that the ordinary citizen has lost his respect both for the court and the Constitution. Such decisions as this, apparently based on precedent, technicality, or subservience to wealth, instead of justice, equity and the best good of the Nation, cannot be too long made, without causing a revolution of their victims, which will endanger the very life of the republic.

Therefore, while agreeing that the wonderfully sensible and patriotic members of the convention which formed the Constitution of 1789, devised a government of "checks and balances" which has served the country remarkably well for a century and a quarter, it would seem that it is high time to follow the example of such a state as Massachusetts, and call a convention, which shall submit for popular approval, or disapproval, a constitution which shall be better suited to the needs of today. Growth in size and population and wealth, also invention, immigration, and changed position among the nations, have so altered conditions, that, while the old Constitution will always be sacred historically, it ought to be possible to adopt a new one which will be as much of an improvement upon the old one, as that was upon the ARTICLES OF CONFEDERATION OF 1775.

## SOME NOTES IN AMERICA'S EYE

### THE AMERICAN'S CREED

I believe in THE UNITED STATES OF AMERICA as a government of the people, by the people, for the people; whose just powers are derived from the consent of the governed; a democracy in a republic, and a sovereign nation of many sovereign states; a perfect union, one and inseparable; established upon those principles of freedom, equality, justice and humanity, for which American patriots sacrificed their lives and their fortunes.

I, therefore, believe it is my duty to my country to love it, to support its constitution, to obey its laws, to respect its flag and to defend it against all enemies.

*(Awarded the prize of \$1000 in a "National Citizens' Creed Contest", in President Wilson's administration, and written by William Tyler Page, a descendant of President John Tyler, and of Carter Braxton, a signer of the DECLARATION OF INDEPENDENCE.)*

# THE CONSTITUTION OF THE UNITED STATES OF AMERICA

## PREAMBLE

We, the People of The United States of America, in order to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for THE UNITED STATES OF AMERICA.

*(The so-called "Elastic Clause", PROMOTE THE GENERAL WELFARE, has been the part of the constitution which has enabled Congress to adapt our government to the changing conditions of our growth from thirteen weak states to forty-eight powerful ones. Let us take it as expressing our underlying spirit in offering these suggestions.)*

## ARTICLE I LEGISLATIVE DEPARTMENT CONGRESS

SECTION 1.—Unchanged. . .

### HOUSE OF REPRESENTATIVES

SECTION 2. 1—ELECTION OF REPRESENTATIVES. The House of Representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature, *(including the ability to speak, read and write the English language.)*

This is added to remove the danger coming from the existence among us of communities which are more foreign in character than they are American.



## SOME NOTES IN AMERICA'S EYE

2.—QUALIFICATIONS OF REPRESENTATIVES. Unchanged.

3.—APPORTIONMENT OF REPRESENTATIVES. Representatives shall be apportioned among the states, according to their respective numbers, (*counting the whole number of persons in each state*).

Excluding Indians not taxed is no longer just, after the part taken by Indians in the War of 1916-18.

But when the right to vote at any election for the choice of President or Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof is denied to any of the inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation shall be therein reduced in the proportion which the number of such citizens shall bear to the whole number of citizens twenty-one years of age in such state.

The negroes of this country have reached a condition of worthiness, both as citizens and soldiers, which should bar none of them from the privilege of voting.

Further denial of political privileges to the women of this country is inexcusable.

4.—VACANCIES. Unchanged.

5.—OFFICERS OF THE HOUSE. Unchanged.

## THE SENATE

SECTION 3.—NUMBER OF SENATORS. Unchanged, except that the electors in each state shall have the qualifications requisite for the most numerous branch of the state legislature, (*including the ability to speak, read and write the English language*), the same as for representatives.

2.—CLASSIFICATION OF SENATORS AND VACANCIES. Unchanged.

3.—QUALIFICATIONS OF SENATORS. Unchanged.

4.—PRESIDENT OF THE SENATE. Unchanged. But, in addition, (*the Vice-President of the United States shall be, ex-officio, a member of the President's cabinet, with*

## SOME MOTES IN AMERICA'S EYE

*power to attend all meetings, and discuss and vote upon all questions.)*

To give the Vice-President a more worthy position, and a share in executive responsibilities.

5.—OFFICERS OF SENATE. Unchanged

6.—TRIAL OF IMPEACHMENT. Unchanged.

7.—JUDGMENT IN CASES OF IMPEACHMENT. Unchanged.

## ELECTION OF SENATORS AND REPRESENTATIVES MEETINGS OF CONGRESS

SECTION 4. 1.—ELECTION OF MEMBERS OF CONGRESS. Unchanged.

2.—CONGRESS TO MEET ANNUALLY. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall, by law, appoint a different day. *(No Senator or Representative shall retain his seat in Congress after his failure to receive re-election, but the person chosen in his place shall at once take it.)*

To prevent members of Congress who fail of re-election from sitting in the short session from December to the 4th of March, and introducing spite acts, or hindering legislation, on account of rejection. This has been one of the weak points in our government.

## POWERS AND DUTIES OF EACH HOUSE OF CONGRESS

SECTION 5.—SOLE JUDGE OF QUALIFICATIONS OF MEMBERS. Unchanged.

2.—RULES OF PROCEDURE. PUNISHMENT OF MEMBERS. Each house may determine the rules of its proceedings, *(except that no member may hold the floor for more than two consecutive hours; neither shall any rules, or "gentlemen's agreement" be allowed to bring about the control of either body by a small number of its members, as has been done in the Senate by "senatorial courtesy")*, punish its

## SOME MOTES IN AMERICA'S EYE

members for disorderly behavior, and with the concurrence of two-thirds, expel a member.

"Senatorial courtesy," excessive senatorial dignity, and allowing measures to be talked to death by letting members hold the floor too long, have been dangerous to our welfare, and strongly resented by the people, bringing Congress into contempt.

3.—JOURNALS. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts, as may, in their judgment, require secrecy; (*but nothing shall be printed except what was actually spoken*); and the ayes and noes of the members of either house, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

"Leave to print" is a privilege which has been greatly abused, at the expense of the people.

4.—ADJOURNMENT. Unchanged.

## COMPENSATION, PRIVILEGES, AND DISABILITIES OF REPRESENTATIVES AND SENATORS

SECTION 6. 1. — COMPENSATION — PRIVILEGES. Unchanged.

2.—DISABILITY TO HOLD OTHER OFFICE. Unchanged  
MODE OF PASSING LAWS

SECTION 7. SPECIAL PROVISION AS TO REVENUE LAWS  
All bills for raising revenue shall originate in the House of Representatives (*and must be under a budget system*),

Practically all nations but ours keep down extravagance by a budget system.

but the Senate may propose or concur with amendments, as on other bills. (*All differences between the houses on any kind of bill, which may be settled by committees of conference, shall be brought before both houses at least three days before they shall be voted on.*)

Queer things have been done in conference committees, even by single members, to the disgust of the people.

(*Each bill shall state the object which it is intended to achieve, so that no case arising under it may be decided*

## SOME NOTES IN AMERICA'S EYE

*on technicality, but strictly on equity, and no bill or law which does this shall be called unconstitutional.)*

This is absolutely necessary, if respect for our courts is to be restored.

2.—LAWS, HOW ENACTED. Every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States. *(The items which he shall approve, he shall sign; but those which he shall disapprove, he shall return, with his objections, to that house in which they shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider them. If after such reconsideration, two-thirds of that house shall agree to pass them, they shall be sent, together with the objections, to the other house, by which they shall likewise be reconsidered, and if approved by two-thirds of that house, they shall become law. But, in all such cases, the votes of both houses shall be determined by ayes and noes; and the names of the persons voting for and against the items shall be entered on the journal of each house respectively. If any item shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law.)*

This will prevent "riders" being attached to bills and give the President power to veto items of bills.

*(Bills rushed through during the last week of a session, so that the President does not have proper time to consider them, shall, if he does not sign them, go over to the next session.)*

Many queer things have been done in the rush of the last week.

3.—SAME RULES APPLY TO RESOLUTIONS. Unchanged.

## POWERS GRANTED TO CONGRESS

SECTION 8. 1—TAXATION. Unchanged.

## SOME MOTES IN AMERICA'S EYE

- 2.—LOANS. Unchanged.
- 3.—COMMERCE. Unchanged.
- 4.—NATURALIZATION AND BANKRUPTCIES. Congress shall (*establish uniform laws on the subject of bankruptcies throughout the United States*),

This has long been needed, state laws are so diversified. and a uniform rule of naturalization (*requiring at least five years' residence in the United States, before applying for the first papers, together with the ability to speak, read and write the English language. There shall always be espionage laws in force, under which troublesome un-naturalized aliens may be deported.*)

Our fathers were too liberal in granting to foreigners privileges here, and this has been thanklessly taken advantage of, especially in political life.

- 5.—COIN. Unchanged.
- 6.—COUNTERFEITING. Unchanged.
- 7.—POSTOFFICE. Unchanged.
- 8.—PATENTS AND COPYRIGHTS. Unchanged.
- 9.—COURTS. Unchanged.
- 10.—PIRACIES. Unchanged.
- 11.—WAR. Unchanged.
- 12.—ARMY. Unchanged.
- 13.—NAVY. Unchanged.
- 14.—MILITARY AND NAVAL RULES. To make rules for the government of the land and naval forces (*but the highest pay shall be given to those branches of the service whose duty it is to go into the danger zone in battle*).

As it is, the fighting men receive less pay than those of the quartermaster, commissary, and other safe branches.

- 15 AND 16.—MILITIA. Unchanged.
- 17.—FEDERAL DISTRICT AND OTHER PLACES. Unchanged.
- 18.—MAKE LAWS TO CARRY FOREGOING POWERS. Unchanged.

## LIMITATIONS ON POWERS GRANTED TO THE UNITED STATES

SECTION 9. 1.—SLAVE TRADE. Omit.

## SOME MOTES IN AMERICA'S EYE

2.—HABEAS CORPUS. Unchanged.

3.—EX POST FACTO LAW. Unchanged.

4.—DIRECT TAXES. Unchanged.

5.—DUTIES ON EXPORTS.

*(Taxes or duties shall be laid on American-made articles, and American-raised produce exported abroad, sufficient to cause them to cost as much abroad as they are sold at in this country.)*

This educating the American public to pay high prices and then selling American goods to the foreigner for whatever he can pay, has been carried to an absurdity. The American producers have got so that they would rather do anything than come down on their prices, to our own too-patient consumers.

6.—NO COMMERCIAL DISCREPANCY TO BE MADE BETWEEN STATES. Unchanged.

7.—MONEY. HOW DRAWN FROM THE TREASURY. Unchanged.

8.—TITLES OF NOBILITY. Unchanged.

SECTION 10. 1, 2 AND 3.—POWERS PROHIBITED TO THE STATES. Unchanged.

## ARTICLE II EXECUTIVE DEPARTMENT

SECTION 1. 1.—EXECUTIVE POWER VESTED IN PRESIDENT—TERM OF OFFICE. The executive power shall be vested in a President of the United States of America. He shall hold office during the term of four years, and, together with the Vice President, chosen for the same term, shall be elected *(by the majority vote of the whole country, without any regard to the old system of presidential electors by states)*.

The old system is clumsy, the old insistence on state rights, based on the idea of "a loose union of independent commonwealths" is outgrown, and a straight majority vote would be better.

SECTIONS 2, 3 AND 4.—Omit.

5.—QUALIFICATIONS OF PRESIDENT. Unchanged.

## SOME NOTES IN AMERICA'S EYE

- 6.—PRESIDENTIAL SUCCESSION. Unchanged.
- 7.—SALARY OF PRESIDENT. Unchanged.
- 8.—OATH OF OFFICE OF PRESIDENT. Unchanged.

### POWERS OF PRESIDENT

- SECTION 2. 1.—COMMANDER IN CHIEF. Unchanged.
- 2.—TREATIES AND APPOINTMENTS. Unchanged.
- 3.—FILLING VACANCIES. Unchanged.
- 4.—SENTENCES AND PARDONS. *(All pardons granted and sentences imposed in the United States shall be on a probation basis, and any pardon may be revoked or sentence altered at any time by a president of the United States.)*

The celebration of an anniversary by a governor of a state pardoning murderers, and the granting honorable discharge from the army, with pay for the time they were in prison, to a lot of slackers from the great war, by a pacifist Secretary of War, show the need of reviewing power by some one directly responsible to the people. Also both court and court-martial sentences are often unduly severe.

### FURTHER POWERS OF PRESIDENT

SECTION 3. MESSAGE TO CONGRESS—ADJOURN AND CALL SPECIAL SESSION. Unchanged.

SECTION 4. IMPEACHMENT OF PRESIDENT, AND OTHER OFFICERS. Unchanged.

## ARTICLE III

### JUDICIAL DEPARTMENT

SECTION 1. COURTS—TERMS OF OFFICE, AND SALARY OF JUDGES. Unchanged.

#### JURISDICTION OF UNITED STATES COURTS

SECTION 2. CASES THAT MAY COME BEFORE UNITED STATES COURTS. The judicial power shall extend to all cases, in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority, to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to contro-

## SOME NOTES IN AMERICA'S EYE

versies to which the United States shall be a party ; to controversies between two or more states ; between a state and citizens of another state ; between citizens of different states ; between citizens of the same state claiming lands under grant of different states ; and between a state, or citizens thereof, and foreign states, citizens, or subjects (*also all cases of riot, lynching, usury and profiteering*).

Local juries in state courts, in these last cases, seem to be afraid to convict.

2.—JURISDICTION OF SUPREME AND APPELLATE COURTS. Unchanged.

3.—TRIAL OF CRIMES. Unchanged.

### TREASON

SECTION 3. TREASON DEFINED. Unchanged.

2.—CONVICTION. Unchanged.

3.—PUNISHMENT. Unchanged.

## ARTICLE IV

### THE STATES AND THE FEDERAL GOVERNMENT

SECTION 1. STATE RECORDS. Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may, by general law, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof. (*All public and historical records of the nation, states, counties, cities, and towns shall be required by law to be kept in fireproof buildings.*)

A host of invaluable records of all kinds at Washington and all over the country, are kept in wooden firetraps.

## ARTICLE V

### AMENDMENTS

SECTION 1. AMENDMENTS, HOW PROPOSED AND ADOPTED. Unchanged.



SOME MOTES IN AMERICA'S EYE

ARTICLE VI

PROMISCUOUS PROVISIONS

- SECTION 1. 1.—THE PUBLIC DEBT. Unchanged.  
2.—SUPREME LAW OF THE LAND. Unchanged.  
3.—OATH OF OFFICE AND RELIGIOUS TEST. Unchanged.

ARTICLE VIII

RATIFICATION OF CONSTITUTION

Done in convention, 1787. Here follows the signatures.

AMENDMENTS

ARTICLE I

SECTION 1. RESTRICTIONS ON POWERS OF CONGRESS.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; *(but all property belonging to religious denominations shall be assessed and taxed by the authorities of the town or city in which it is situated)*;

This would be fairer to the people as a whole than the present system.

or abridging the freedom of speech; *(excepting utterances inciting to overthrow the government)*;

We want no anarchistic attempts to overthrow our institutions.

or of the press; *(but all publications in a foreign language, excepting textbooks for educational purposes, shall have the English translation in parallel columns,*

We want no chances for anti-Americanism to hide behind a foreign language.

*and the government shall publish, in each and every state, at least one newspaper, in which no news that has not been confirmed shall be printed),*

The people have lost all confidence in their newspapers, and need government publications which will neither distort, exaggerate, nor suppress the truth.

## SOME MOTES IN AMERICA'S EYE

or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

### ARTICLE II

SECTION 2. RIGHT TO BEAR ARMS. A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed. (*The government shall give to every American citizen between the ages of 18 and 45, who may demand it, not more than two years of military training, regardless of his physical condition*).

Military training has proved to be a most efficient means of improving the physique of our manhood, and men so trained would be quickly fit for service in time of need.

### ARTICLE III

SECTION 1. BILLETING OF SOLDIERS. Unchanged.

### ARTICLE IV

SECTION 1. SEIZURES, SEARCHES AND WARRANTS. Unchanged.

### ARTICLE V

SECTION 1. CRIMINAL PROCEEDINGS AND CONDEMNATION OF PROPERTY. Unchanged.

### ARTICLE VI

SECTION 1. MODE OF TRIAL IN CRIMINAL PROCEEDINGS. Unchanged.

### ARTICLE VII

SECTION 1. TRIAL BY JURY. Unchanged, except that (*in case of a re-trial, the vote of ten jurymen shall be sufficient to convict.*)

### ARTICLE VIII

SECTION 1. 1.—BAILS, FINES, PUNISHMENTS, ET CETERA. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. (*Punishments shall fit the nature of the crime, and all judges shall spend at least twenty-four hours in a*

## SOME MOTES IN AMERICA'S EYE

*cell in every prison to which they are accustomed to sentence offenders.)*

If a boy daubs paint on a building, it is better to make him scrub it off, than to have him or his parents pay a fine. Judges need to realize what it means when they sentence offenders to a long term of imprisonment.

2.—*(No case shall be allowed more than one appeal to a higher court.)*

A poor man cannot afford to carry a case through a number of appeals.

3.—*(No offender shall be put on probation more than once.)*

By the second or third time, it fails to be any deterrent.

4.—*(Judges and juries shall decide each case by its individual equity, without regard to precedent or technicality. Judges shall be subject to recall by the authority that elected or appointed them. The discovery of perjury, or of evidence favorable to a convicted defendant, shall entitle him to a retrial.)*

No official should be allowed to feel that his tenure of office is so secure that he can do any injustice.

5.—*(No judge shall set aside a verdict made or approved by another judge, or refuse to admit evidence which is relevant to the case.)*

To put the responsibility on the judge who first tries the case, and to prevent wealthy people or corporations from getting judges to set aside the fines imposed upon them by more righteous judges. Why the great fear of offending the rich by the courts of this country? We have come to feel that there is one sort of verdict for the rich, and an entirely different sort for the poor. Result, an arrogance of wealth as bad as European arrogance of birth.

6.—*(No capital punishment shall be inflicted in the United States, except on confession of guilt.)*

Circumstantial evidence and perjury have claimed too many innocent victims.

## ARTICLE IX

SECTION 1. CERTAIN RIGHTS NOT DENIED TO THE PEOPLE. Unchanged.

SOME MOTES IN AMERICA'S EYE

ARTICLE X

SECTION 1. STATE RIGHTS. Unchanged.

ARTICLE XI

SECTION 1. JUDICIAL POWERS. Unchanged.

ARTICLE XII

SECTION 1. ELECTION OF PRESIDENT AND VICE PRESIDENT. Omit entirely.

ARTICLE XIII

SECTION 1. SLAVERY. Unchanged.

ARTICLE XIV

CITIZENSHIP, REPRESENTATION, AND PAYMENT OF PUBLIC DEBT.

Unchanged except to omit the words "electors for" in Section 2, and "elector of" in Section 3.

ARTICLE XV

SECTIONS 1 AND 2. ELECTIVE FRANCHISE. Unchanged.

ARTICLE XVI

INCOME TAX. CONGRESS GIVEN POWER TO LAY AND COLLECT. The Congress shall have power to lay and collect taxes on incomes (*and inheritances, profits, unearned increments, and land values*), from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration. (*Tax dodging, failure of assessors to assess equitable value, and of district attorneys and attorney generals to prosecute, shall be offenses against the United States, and be tried in the United States courts, which shall be provided with a sufficient number of judges to insure reasonably speedy trial.*)

These evils speak for themselves, and can be removed by a determined people. One of the daughters of McCormick, the inventor of the grain reaper, is said to have been the only millionaire who was strictly honest in acknowledging all her property that was taxable. How different the tax rates would be if all wealthy people were like her! Assessing land at \$14 an acre, which cannot be bought for less than \$300 an acre, as is done

## SOME NOTES IN AMERICA'S EYE

with vast holdings in California, is hardly equitable assessment, and keeps hosts of people living in city tenements, who would be glad to live on their own land.

### ARTICLE XVII

PROHIBITION OF THE MANUFACTURE AND SALE OF INTOXICATING LIQUORS. As put into effect in 1919.

### ARTICLE XVIII

DEBARMENT OF LAWYERS. *(Every lawyer who defends a client whom he knows to be guilty, or assists a client in evading the law, shall be debarred for at least six months for each offense.)*

Lawyers should, like Lincoln, advise such clients to plead guilty, and take their medicine, rather than defend them in a case which should never be tried, at the expense of an outraged public.

### ARTICLE XIX

NATIONAL EDUCATION. *(The United States shall take entire charge of the education of its people, both youths and adults, establish educational standards, examine and certify teachers, fix their salaries and tenure of office, making both attractive to first-class talent, and provide equal quality of supplies, books, and school buildings throughout the country.)*

This will be the only way to give the children, also the night school adults, who live in less well-to-do communities, an equality in educational opportunity with those who live in richer ones.

*(No parochial or private school shall be allowed to keep children in the grammar or high school grades. These grades must be attended in the public schools. Every child shall be required to pass through the high school, receiving a diploma worded so as to show his ability, and if the family circumstances make this financially impossible, the public funds shall be loaned to make up the deficiency.)*

Any person's religious bias can be given by his church during the primary grades' ages. Continual private schooling tends towards snobbishness, and class feeling. The

## SOME MOTES IN AMERICA'S EYE

public school is the great proving ground of Americanism, and every child should be given the same opportunity in it.

### ARTICLE XX

**BUSINESS LICENSES.** *(Every person, firm, or corporation doing business in this country shall pay annually a United States license, to be established by law.)*

This will provide a means of checking exorbitant prices, on the one hand, and inferior service, or quality, on the other. The country is full of "robber barons," in both wholesale and retail lines, and get-rich-quick schemes.

### ARTICLE XXI

*The United States shall provide for its ambassadors, ministers and consuls in foreign countries, residences, salaries, and expense money equal to those provided by the other first-class powers.*

So that these positions can be accepted by able men who may not happen to be rich.

### ARTICLE XXII

**NATIONAL ADMINISTRATION OF PUBLIC UTILITIES.** *(The United States shall take under its control and administer for the public benefit only those public utilities, such as water power, irrigation dams, oil lands, mines, express routes, telegraph, telephone and cable lines, aeroplane routes, railroads, shipping, grain elevators, and stockyards, whose officials have not given their employes, the public, and the government, a fair deal.)*

The "public-be-damned" policy of some American millionaires makes this desirable. Others should continue in power and in public esteem.

### ARTICLE XXIII

**COMPULSORY VOTING AND OFFICE HOLDING.** *(Congress shall establish by law a graded system of fines for persons qualified to vote who fail to register and vote, also a means of voting for enforced absentees. Also a graded system of imprisonment for elected officials who refuse to serve.)*

## SOME MOTES IN AMERICA'S EYE

Non-voters are unworthy of a place in an American community. The standard of politics can be raised by compelling those best qualified to serve us in public office to do so, as did the Pilgrim Fathers. Let the office seek the best possible man, not the man the office.

Of course we know that radical changes like these cannot be brought about at all quickly. Although they are in the minds of thousands of Americans, some favoring these items, others, those, determined opposition may be expected from the hidebound conservatives, especially those whose financial profit would be affected. They hope to continue their old game of fooling the people, through their management of the old political parties, while they work things so as to add to their unwieldy fortunes, whereas the demand of the age is for better conditions in the places of labor, a higher standard of living in the homes of the toilers, a less absurdly unequal distribution of wealth, and a political party that cannot be fooled.

We must look higher than what we have meant by FREEDOM, or by LIBERTY, FRATERNITY, AND EQUALITY, and demand MUTUAL CONCESSION, or ALTRUISTIC CO-OPERATION, or in simple words, A FAIR DEAL TO ALL. Selfish firms and corporations must be made to follow the example of those unselfish ones, which, by profit sharing, providing good wages, and good labor- and home-conditions, have made capital and labor a harmonious co-operation. A fair deal for everybody must take the place of greed, if America is really to PROMOTE THE GENERAL WELFARE. A determined people has the power to bring this about, and does not need to use bullets, but ballots.









UNIVERSITY OF CALIFORNIA LIBRARY  
BERKELEY

Return to desk from which borrowed.  
This book is DUE on the last date stamped below.

NOV 20 1947

NOV 26 1947

LIBRARY USE

MAY 22 1953

LD 21-100m-9,'47(A5702s16)476

YB 12707

Gaylord Bros.  
Makers  
Syracuse, N. Y.  
PAT. JAN. 21, 1908

409710

*Cox*

UNIVERSITY OF CALIFORNIA LIBRARY

